

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INMATES OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS,	:	CIVIL ACTION
Plaintiffs	:	
v.	:	
THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS, et al.,	:	
Defendants	:	No. 02-2687

ORDER

AND NOW, this        day of        , 2004, upon consideration of defendants' unopposed motion for enlargement of time to answer plaintiffs' Second Amended Class Action Complaint, and for good cause shown, it is hereby ORDERED that said motion is GRANTED. Defendants' time to answer plaintiff's Second Amended Class Action Complaint is hereby ENLARGED to September 30, 2004.

BY THE COURT:

---

EDUARDO C. ROBRENO, J.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INMATES OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS,	:	CIVIL ACTION
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS, et al.,	:	
	:	
Defendants	:	No. 02-2687

DEFENDANTS' UNOPPOSED MOTION FOR ENLARGMENT OF TIME

Pursuant to 6(b) of the Federal Rules of Civil Procedure, defendants respectfully move the Court to enlarge defendants' time to answer plaintiffs' Second Amended Class Action Complaint ("complaint") by approximately two weeks, to September 30, 2004. In support of this unopposed motion, defendants state:

1. By Memorandum and Order entered and mailed on August 30, 2004, the Court granted in part and denied in part defendants' motion to dismiss plaintiff's complaint.
2. By operation of Fed.R.Civ.P. 6(a) and 12(a)(4)(A), defendants' answer to the complaint is presently due on or before September 16, 2004.
3. Due to the undersigned counsel's current case load and schedule, including but not limited to an upcoming jury trial beginning September 13, 2004 in the case of Schmitt v. Rashid, No. 02-322 before the Honorable Petrese B. Tucker, defendants will require an additional two weeks' time, i.e., to September 30, 2004, to file an adequate answer to plaintiff's complaint.
4. Fed.R.Civ.P. 6(b) provides in relevant part:

Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time

in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed...

5. The undersigned counsel has discussed this matter with plaintiffs' counsel, Mary Catherine Roper. Ms. Roper has graciously consented to this request.

6. This motion is made without dilatory intent. On information and belief, plaintiffs will not be prejudiced by the grant of this motion.

WHEREFORE, defendants respectfully request the Court to enter an order substantially in the form attached hereto, granting this unopposed motion for enlargement of time, enlarging defendants' time to answer plaintiff's Second Amended Class Action Complaint to September 30, 2004, and granting any such further relief as is proper and just.

GERALD J. PAPPERT  
ATTORNEY GENERAL

BY: s/ Beth Anne Smith  
Beth Anne Smith  
Senior Deputy Attorney General  
Identification No. 47162

Susan J. Forney  
Chief Deputy Attorney General  
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL  
21 S. 12th Street, 3rd Floor  
Philadelphia, PA 19107-3603  
Telephone: (215) 560-2130

CERTIFICATE OF SERVICE

I, Beth Anne Smith, Senior Deputy Attorney General, hereby certify that defendants' unopposed motion for enlargement of time was filed electronically on September 3, 2004 and is available for viewing and downloading from the ECF system. I further certify that a true and correct copy of said document was served on the same date by electronic mail notification to:

Mary Catherine Roper, Esquire  
Drinker Biddle & Reath LLP  
18th & Cherry Streets  
One Logan Square  
Philadelphia, Pa 19103-6996

GERALD J. PAPPERT  
ATTORNEY GENERAL

BY: s/ Beth Anne Smith  
Beth Anne Smith  
Senior Deputy Attorney General  
Identification No. 47162

Susan J. Forney  
Chief Deputy Attorney General  
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL  
21 S. 12th Street, 3rd Floor  
Philadelphia, PA 19107-3603  
Telephone: (215) 560-2130